

AMENDMENT

U.S. Appln. No. 09/196,574

PHA 23,540A

The Office Action dated April 2, 2002 has been carefully reviewed. Applicants respectfully summarize the rejections:

(1) Claims 1-16 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Stenger (DE 3608489A1) in view of Katata et al. (U.S. 5,815,601 hereafter "Katata").

Applicants' Traversal:

Applicants respectfully submit that none of the instant claims are anticipated by the combination of Stenger and Katata.

Stenger teaches a system for image segmentation of a video teleconferencing system and discloses that background 9 (shown in Fig. 3) is recorded "out of focus and with little detail resolution" (page 4 of the translation, lines 1-3). The background information is recommended to be masked (page 4, fifth paragraph). Thus, as the background is recorded out of focus and with little resolution, its purported later inclusion with foreground information would not the background information visible, it would only show foreground information with background information that was recorded out of focus with little resolution. Background only becomes visible upon the detection of motion information, otherwise, it remains out of focus. The reasons that the background information becomes visible at that point is that motion detection is being taught as one possible criteria for segmentation (movement

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being suggestive that information in the background might be relevant or could now be part of the foreground (example, such as an audience member asking a question).

Katata, on the other hand, discloses an image encoder that puts image data into blocks and dynamically encodes them so that the image quality of a selected area becomes better than that of other areas.

Accordingly, it is respectfully submitted that a person of ordinary skill in the art would not have found the instant claims obvious over the combination of references because there is no disclosure, suggestion, or motivation to combine the references. Stenger is concerned with recording the background out of focus, there is no suggestion or reason to combine the this references with Katata to transmit at different quantization levels. In fact, Stenger discloses that background information causes problems determining the contours of foreground information (page 2, last paragrpah of Stenger), thus the solution to record out background information, and recommend enhancement by masking. Applicants respectfully submit that an artisan would not find suggestion to combine the teachings of Stenger with Katata because the background information (such as background noise, shadows) will create problems identifying and transmitting foreground information.

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Thus, the teachings of these two references are in conflict, and thus a person of ordinary skill in the art would not have found any of the instant claims obvious because there is no motivation, incentive or suggestion to combine the references, and assuming *arguendo*, even if an artisan were to have combined the teachings of the references, a artsian still would not have found the instant claims obvious in view thereof.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Please charge any additional fees or credit any overpayment to the undersigned firm's Deposit Account No. 11-1153.

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Should the Examiner deem that there are any issues which may be best resolved by telephone communication, he is respectfully requested to telephone Applicants' undersigned Attorney at the number listed below.

Respectfully submitted,
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SG/lc

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